

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. 07-285M
12 v.)
13 GEORGE R. CHARLES,) DETENTION ORDER
14 Defendant.)
15)

Offense charged:

Aggravated Sexual Abuse, in violation of Title 18, U.S.C., Sections 1153 and 2241(c).

Date of Detention Hearing: July 3, 2007

20 The Court, having conducted a contested detention hearing pursuant to Title 18
21 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
22 hereafter set forth, finds that no condition or combination of conditions which the defendant
23 can meet will reasonably assure the appearance of the defendant as required and the safety
24 of any other person and the community. The Government was represented by William
25 Redkey for Michael Lang. The defendant was represented by Paula Deutsch.

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1 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

2 (1) There is probable cause to believe the defendant committed an offense
3 addressed in the recently enacted Adam Walsh Act involving sexual
4 exploitation of a minor. There is therefore a rebuttable presumption
5 against the defendant's release based upon both dangerousness and flight
6 risk, under Title 18 U.S.C. § 3142(e).

7 (2) Nothing in this record satisfactorily rebuts the presumption against
8 release for several reasons. Using the factors below, under Title 18 §
9 3142 (g), the Court considered the following:

10 (a) The nature and circumstances of the offense charged, including
11 whether the offense is a crime of violence and involves sexual
12 exploitation of a minor.
13 (I) The alleged offense involves a minor who was under the age of
14 twelve at the time the alleged offense occurred.

15 (b) The history and characteristics of the person, including:
16 the person's character, physical and mental condition, family ties,
17 employment, financial resources, length of residence in the
18 community, community ties, past conduct, history relating to drug
19 or alcohol abuse, criminal history, record concerning appearance
20 at court proceedings.
21 (I) The defendant is considered both developmentally delayed
22 and dependent upon family members for his care.
23 (II) Moreover, the developmental delay, it has been urged,
24 presents both a danger to those with who he resides and to the
25 community because of his inability to fully appreciate the
26 criminality of his conduct.

(III) His sister's residence does not present a safe, child-free environment and thus are not suitable under the circumstances.

(3) Use of electronic home monitoring is not appropriate as a substitute for confinement where the Court has good reason to believe the defendant presents a danger to others.

6 After applying the presumptions applicable under the Bail Reform Act and its recent
7 amendments, the Court concludes that the presumption of detention is not overcome.
8 Thus, it appears that there is no condition or combination of conditions that would
9 reasonably assure future Court appearances and/or the safety of other persons or the
10 community.

It is therefore ORDERED:

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

1 (4) The clerk shall direct copies of this order to counsel for the United
2 States, to counsel for the defendant, to the United States Marshal, and to
3 the United States Pretrial Services Officer.

4 DATED this 3rd day of July, 2007.

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8 MONICA J. BENTON
9 United States Magistrate Judge